

### REMARKS

By this amendment, claims 1, 5, and 10-20 have been amended. Claims 1-20 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claim 1 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement and has been amended to address the concerns raised in the Office Action. Accordingly, the claim is in condition for allowance.

Claims 12-14 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter and have been amended to address the concerns raised in the Office Action. Accordingly, the claims are in condition for allowance.

Claims 1-3, 5-6, 8-9, 11-12, 14-15, 17-18, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chan (US 5,271,018). This rejection is respectfully traversed.

Claim 1 recites an information recording/reproducing apparatus "that performs reading and writing of information with respect to an information recording medium in which user data areas and alternative areas are alternately arranged ... wherein each user data area is preceded by a corresponding adjacent alternative area" (emphasis added). Claims 5, 11-12, 14-15, 17-18, and 20 recite similar limitations. Applicants respectfully submit that Chan does not disclose these limitations.

To the contrary, Chan discloses that "each partition consists of 16 data sectors and one spare sector for a total of 17 sectors per partition." Col. 6, ln. 62-64. Chan further discloses that "[e]ach partition has at least one local sector at the end of the partition." Col. 7, ln. 1-2. Applicants respectfully submit that Chan does not disclose,

teach, or suggest that each user data area is preceded by a corresponding adjacent alternative area, as recited in claims 1, 5, 11-12, 14-15, 17-18, and 20.

Since Chan does not disclose all the limitations of claims 1, 5, 11-12, 14-15, 17-18, and 20, claims 1, 5, 11-12, 14-15, 17-18, and 20 are not anticipated by Chan. Claims 2-3, 6, and 8-9 depend, respectively, from independent claims 1 and 5, and are patentable at least for the reasons mentioned above, and on their own merits. Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claims 1-3, 5-6, 8-9, 11-12, 14-15, 17-18, and 20 be withdrawn and the claims allowed.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of Gotoh et al. (US 6,292,625). This rejection is respectfully traversed. Claim 4 depends from claim 1 and is patentable at least for the reasons mentioned above, and on their own merits. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 4 be withdrawn and the claim allowed.

Claims 7, 10, 13, 16, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of Ueda et al. (US 2003/0137910). This rejection is respectfully traversed. Claim 7 depends from independent claim 5, and is patentable at least for the reasons mentioned above, and on its own merits.

In order to establish a *prima facie* case of obviousness “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. §2142. Neither Chan nor Ueda et al., even when considered in combination, teaches or suggests all limitations of claims 10, 13, 16, and 19. Claims 10, 13, 16, and 19 recite limitations similar to claims 1, 5, 11-12, 14-15, 17-18, and 20; therefore, Ueda et al. does not cure the above-discussed deficiencies of Chan.

Since Chan and Ueda et al. do not teach or suggest all of the limitations of claims 10, 13, 16, and 19, claims 10, 13, 16, and 19 are not obvious over the cited references. Claim 7 depends from independent claim 5, and is patentable at least for the reasons mentioned above, and on its own merits. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 7, 10, 13, 16, and 19 be withdrawn and the claims allowed.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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